



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Bernhard B. Sterling et al.
Appl. No.	:	10/055,875
Filed	:	January 21, 2002
For	:	REAGENT-LESS WHOLE-BLOOD GLUCOSE METER
Examiner	:	Roy Punnoose
Art Unit	:	2877

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions under 37 C.F.R. § 1.48(a) to correct the inventorship of the above-captioned patent application. In particular, Applicant wishes to change the inventorship as follows:

1. DELETE: Peng Zheng
2. DELETE: W. Dale Hall

Submitted herewith are statements of each of the persons to be deleted, that the inventorship error occurred without deceptive intent on his or her part. The originally-filed declaration contains a declaration of each of the actual inventors as required by 37 C.F.R. §§ 1.48(a)(3) and 1.63. The fee set forth in 37 C.F.R. § 1.17(i) is enclosed. Written consent of the Assignee of the present application is submitted herewith.

Accordingly, Applicant respectfully submits that the present petition should be granted.

Appl. No. : 10/055,875  
Filed : January 21, 2002

Please use Customer No. 20,995 for all communications. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Dec. 21, 2004

By: M.J. Kertz  
Mark J. Kertz  
Registration No. 43,711  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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<u>Art Unit</u>	:	2877

STATEMENT OF PENG ZHENG

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

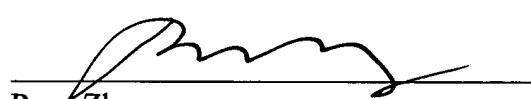
I, Peng Zheng, declare as follows:

1. I am a citizen of the United States residing at 15 Souza Court, Alameda, CA 94502.
2. I understand that the above-referenced patent application was filed on January 21, 2002, with a Declaration signed by the following persons who were identified as inventors of the subject matter claimed in the patent application: Bernhard B. Sterling, Philip C. Hartstein, Kenneth I. Li, Mark D. Agostino, David C. Klonoff, Robert D. Gaffney, Peng Zheng, Jennifer H. Gable, Kenneth G. Witte, Heidi M. Smith, Jane J. Sheill, Mike A. Munrow, W. Dale Hall, Daniel S. Goldberger, Martin J. Fennell, Julian M. Cortella, James R. Braig, and Peter Rule.
3. I believe that I, Peng Zheng, should not be named as an inventor in the above-referenced patent application.
4. The inventorship error occurred without deceptive intention on my part.

Appl. No. : 10/055,875  
Filed : January 21, 2002

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or document, or any registration resulting therefrom.

Dated: 12/16/2004

  
Peng Zheng

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<u>Art Unit</u>	:	2877

STATEMENT OF W. DALE HALL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, W. Dale Hall, declare as follows:

1. I am a citizen of the United States residing at 432 Hudson St., Oakland, CA 94618.
2. I understand that the above-referenced patent application was filed on January 21, 2002, with a Declaration signed by the following persons who were identified as inventors of the subject matter claimed in the patent application: Bernhard B. Sterling, Philip C. Hartstein, Kenneth I. Li, Mark D. Agostino, David C. Klonoff, Robert D. Gaffney, Peng Zheng, Jennifer H. Gable, Kenneth G. Witte, Heidi M. Smith, Jane J. Sheill, Mike A. Munrow, W. Dale Hall, Daniel S. Goldberger, Martin J. Fennell, Julian M. Cortella, James R. Braig, and Peter Rule.
3. I believe that I, W. Dale Hall, should not be named as an inventor in the above-referenced patent application.
4. The inventorship error occurred without deceptive intention on my part.

Appl. No. : 10/055,875  
Filed : January 21, 2002

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or document, or any registration resulting therefrom.

Dated: December 3, 2004

W. Dale Hall  
W. Dale Hall

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PATENT

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ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND CONSENT OF ASSIGNEE UNDER 37 C.F.R. § 1.48

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A copy of the original Assignment is attached hereto. The Assignment represents the entire chain of title of this invention from the Inventors to the Assignee and has been recorded on February 20, 2004 at Reel 014991, Frame 0291.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

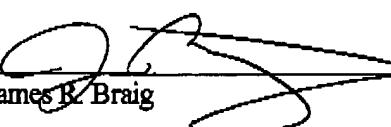
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The undersigned hereby consents to a change in inventorship deleting Peng Zheng and W. Dale Hall from the above-captioned patent application.

Please use Customer No. 20,995 for all communications.

OPTISCAN BIOMEDICAL CORPORATION

Dated: 12-19-04

By:   
James R. Braig

Title: Chief Technical Officer

Address: 1105 Atlantic Ave.  
Suite 101  
Alameda, CA 94501

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